

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

STEVEN FANNING, et al.)
)
Plaintiffs,)
)
vs.) Case No.: **5:17-CV-06073-CV-SJ-HFS**
)
JUSTIN R. BEVER,)
)
Defendant.)

APPLICATION FOR APPROVAL OF WRONGFUL DEATH SETTLEMENT

COME NOW the plaintiffs above named and state to the Court:

1. That on or about February 20, 2017, the decedent, Jason Fanning, was shot and killed by the defendant, Justin Bever, who was acting within the course and scope of his employment as a police officer with the St. Joseph, Missouri, police department. The shooting followed a traffic stop more particularly described in the case of *Steven Fanning et al. v. Jason Bever*, case number 5:17-cv-06073-HFS, and pending in the United States District Court for the Western District of Missouri.

2. That plaintiff Steven Fanning is the natural father of the decedent, Jason Fanning, that plaintiff Denise Fanning is the natural mother of the decedent, Jason Fanning, that the plaintiff Whitney Shepherd is the natural mother of Chloe Fanning and Kinzlee Fanning, the sole surviving minor children of the decedent, Jason Fanning. Furthermore, the plaintiffs are entitled to bring this cause of action for the alleged wrongful death of the decedent, Jason Fanning, and pursuant to section 537.080, RSMo they are the only persons entitled to a recovery for damages arising out this action.

3. That plaintiffs have heretofore accepted a settlement offer from the defendant and his insurance company which would pay them the total sum of FOUR HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$450,000.00), inclusive of attorney fee, costs and expenses, that would be paid out as follows:

- (a) Plaintiff Steven Fanning would receive the total sum of \$13,897.79;
- (b) Plaintiff Denise Fanning would receive the total sum of \$13,897.79;
- (c) Plaintiff Whitney Shepherd would receive the total sum of \$223,160.26, for the sole benefit and use of Chloe Fanning and Kinzlee Fanning, the sole surviving minor children of the decedent, Jason Fanning;
- (d) John Spencer, Esq., of the law firm of Tieman, Spencer, & Hicks, LLC, would receive the total sum of \$99,691.63 as and for his attorney fees, costs and expenses attendant to his prosecution of this lawsuit on behalf of plaintiffs Steven Fanning and Whitney Shepherd;
- (e) Sarah Swatosh, Esq., would receive the total sum of \$45,167.14 as and for her attorney fees, costs and expenses attendant to her prosecution of this lawsuit on behalf of plaintiffs Whitney Shepherd and Denise Fanning; and
- (f) Christopher J. Swatosh, Esq., would receive the total sum of \$54,185.39 as and for his attorney fees, costs and expenses attendant to his prosecution of this lawsuit on behalf of plaintiffs Whitney Shepherd and Denise Fanning.

Furthermore, this settlement and proposed distribution is subject to the approval of this Court.

4. That plaintiffs represent and state to the Court that, under all of the circumstances, the proposed settlement and distribution would be and is in the best interest of all the plaintiffs, and that plaintiffs request the Court's approval of this proposed settlement and distribution, and to

authorize plaintiffs to execute a Release and Satisfaction of Judgment in this cause.

WHEREFORE, the premises considered, the plaintiffs request the Court to approve the proposed settlement and distribution, and enter judgment as to such damages as approved in the settlement and to enter an order allowing the plaintiffs to execute a Release and Satisfaction of Judgment in this cause.

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2018, I electronically filed the foregoing with the Clerk of the Court and that an electronic notice of filing and a copy of the foregoing will automatically be sent to the following:

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